REMARKS

Claims 1-40 are pending. Claims 22 and 31 are amended to address the section 101 rejections below.

On page 2 the Office Action rejects claims 22-30 and 31-38 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 22 and 31 have been amended to recite an apparatus comprising a processor and a memory. The memory includes the modules recited therein, which are executable by the processor. Claims 22-38 are, therefore, directed to statutory subject matter. Withdrawal of this rejection is respectfully request.

On page 3 the Office Action rejects claims 1-7, 9, 10, 13-18, 21-28, 31-36 under 35 U.S.C. 103(a) as being unpatentable over Banavar (US 7050432), in view of Foster (US 7042877). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck,* 947 F.2d 488 (Fed. Cir. 1991) and *MPEP* § 2142. Banavar and Foster fail to teach or suggest all of the claim limitations of these claims.

The Office Action appears to rely on Banavar to teach all of the elements of claims 1, 13 and 21 except for "the payload section including information relating to a video clip for a particular camera."[1] However, Banavar fails to teach or suggest all of the remaining elements of claims 1, 13 and 21.

Banavar generally describes a technique for reliably multicasting a message within a router network. Specifically, Banavar describes a router with associated persistent storage for logging a message being routed to one or more clients. The logging router sends a logging acknowledgement to the routers to which the message was routed and back to the source. Despite Banavar's focus on reliable multicasting and logging, Banavar is cited for its purported teachings on publish/subscribe systems. Banavar fails to satisfy this purpose.

For example, Banavar does not teach "retrieving subscriptions based on the subject," as recited in claims 1, 13 and 21. As indicated in claims 1, 13 and 21, a received packet includes a payload section including information, the information including a subject. Consequently,

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[1] On page 3, para. 6, the Office Action states "Foster teaches a method...." However, this para. 6 cites quotes and sites to a section of Banavar to support this alleged teaching. Further, the remaining sections of the Office Action rely on the purported teachings of Banavar for the same purported teachings described in para. 6. Consequently, Applicants think that the reference to Foster on page 3, para. 6 was a typographical error.

claims 1, 13 and 21 recites retrieving subscriptions based on a received packet payload section subject. Nowhere does Banavar teach or suggest retrieving subscriptions based on a received packet payload section subject. The quoted section of Banavar, col. 5, line 49 - col. 6, line 8, does not describe this feature. Indeed, this section states that "subscriptions are specified in terms of predicates on the posted data, *rather than in terms of subject identifiers* supplied by the publisher." See col. 5, lines 51-53. This would appear to teach away from retrieving subscriptions based on a received packet payload section subject.

Indeed, nowhere does Banavar even teach or suggest retrieving subscriptions. Banavar is simply focused on its logging and related features. The spanning tree described in the cited section merely lays out the best path from the router to each client. The computation component 404 uses stored subscriptions, but even these are not taught or suggested to be used based on the subject. Quite simply, Banavar fails to teach or suggest retrieving subscriptions based on the subject.

As noted above, Foster is cited to purportedly teach the payload section including information related to a video clip for a particular camera. Nowhere does Foster teach or suggest retrieving subscriptions based on the subject. Consequently, Foster does not cure Banavar of this defect. Therefore, claims 1, 13 and 21 are not rendered obvious by Banavar and Foster.

Dependent claims 2-7, 9, 10, and 14-18 are not rendered obvious for at least these reasons and their own independent features.

Independent claims 22 and 31 are all not rendered obvious for similar reasons as claim 1. Claim 22 recites "wherein the inspect module and the route module operate to retrieve a subscription based on the subject." Claim 31 recites "a module, executable by the processor, for retrieving a subscription based upon the subject." Consequently, for at least the reasons described above, Banavar and Foster fail to teach or suggest these features of claims 22 and 31. Therefore claims 22 and 31 are not rendered obvious by Banavar and Foster.

Dependent claims 23-28 and 32-36 are not rendered obvious rendered obvious for at least these reasons and their own independent features.

On page 25 the Office Action rejects claims 8, 11, 12, 19, 20, 29, 30, 37-40 under 35 U.S.C. 103(a) as being unpatentable over Banavar (US 7050432), Foster (US 7042877), further in view of Sleeckx (2002/0175995). Sleeckx fails to overcome the defects of Banavar and Foster

described above. Sleeckx does not teach or suggest retrieving subscriptions based on the subject, wherein the inspect module and the route module operate to retrieve a subscription based on the subject, or a module, executable by the processor, for retrieving a subscription based upon the subject. Consequently, dependent claims 8, 11, 12, 29, 20, 29, 30 and 37-40 are not rendered obvious for at least these reasons and their own independent features.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that all of the rejections against this application have been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the outstanding rejections and a notice of allowance for the application are respectfully requested.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

Date: **February 6, 2009**
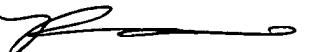
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Sean S. Wooden, Reg. No.: 43,997
Andrews Kurth LLP
1350 I Street, NW
Suite 1100
Washington, DC 20005
Tel. (202) 662-2700
Fax (202) 662-2739